

**REMARKS**

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

No claims have been canceled or added. Claims 17, 27 and 28 have been amended. Claims 17-22, 24-33, 35, and 36 are pending in the present application, of which claims 17, 27, and 28 are independent.

**Noted - IDS Considered**

The indication (see Examiner-initialed attachment to the Office Action mailed April 25, 2008) that the Information Disclosure Statement (IDS) as filed on November 14, 2007 and references listed therein have been considered is noted with appreciation.

**Noted - Drawings Approved**

The indication (see the Office Action Summary mailed May 10, 2007, boxes 10(a) have been checked) that the Drawings (submitted on April 13, 2004) have been approved is noted with appreciation.

**Claim Rejection Under 35 U.S.C. §103**

Claims 17, 18, 20, 24, 25, 27-29, 31, 35, and 36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller (US 5,752,032) in view of Suzuki et al. (US 6,202,154, hereafter Suzuki).

**INDEPENDENT CLAIM 17**

As an example, independent claim 17 recites (among other things) the following features:

a retaining unit to retain a plurality of resources to be used with the firmware or the logic circuit; ...

an access control unit to determine, when the input command is included in the set of commands corresponding to the current operation mode, whether a necessary resource to execute the input

command is included or not in an available set of resources corresponding to the current operation mode ...; and  
an execution unit to acquire the necessary resource from the retaining unit when the necessary resource is included in the available set of resources.

(Underlining is added for emphasis.) As will be explained below, at least these features of claim 17 provide distinctions over each of Keller and Suzuki, and thus over their combination.

Regarding Keller, as is pointed out in present Office Action, Keller fails to disclose a relation between the operating modes and the resources (see present Office Action item 4 on page 3). Hence, the above noted features of claim 17 provide distinctions over Keller.

The Office Action relies on Suzuki to cure the above noted deficiencies of Keller. Suzuki recites (at column 3, lines 6-10) the following:

When data transfer is to be permitted, the data transfer controller asserts a signal, such as a bus right request signal (BREQ) to obtain the bus right from the other bus master, such as the CPU, and thereafter starts the data transfer operation.

However, Suzuki does not disclose a resource retained in a retaining unit. Accordingly, Suzuki does not teach acquiring a necessary resource to execute the input command from the retaining unit. Hence, amended claim 17 also provides distinctions over Suzuki based at least one the above noted features of claim 17, namely

a retaining unit to retain a plurality of resources to be used with the firmware or the logic circuit; ...  
an access control unit to determine, when the input command is included in the set of commands corresponding to the current operation mode, whether a necessary resource to execute the input command is included or not in an available set of resources corresponding to the current operation mode ...; and  
an execution unit to acquire the necessary resource from the retaining unit when the necessary resource is included in the available set of resources.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 17 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 17. Claims 18, 20, 24, and 25 ultimately depend from claim 17, respectively, and so at least similarly distinguish over the asserted combination of references.

#### **INDEPENDENT CLAIMS 27 AND 28**

Independent claims 27 and 28 recite (among other things) features similar to the above noted features of claim 17. At least the features of claims 27 and 28 that are similar to the above noted features of claim 17 provide distinctions over Keller and Suzuki for reasons similar to the reasons noted above with respect to claim 1. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 27 and 28. Claims 29, 31, 35, and 36 ultimately depend from claim 28, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of the foregoing discussion, the rejection of claims 17, 18, 20, 24, 25, 27-29, 31, 35, and 36 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

#### **CLAIMS 19 AND 30**

Claims 19 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Suzuki and further in view of Heinonen et al. (US 6,633,758).

Claims 19 and 30 depend from independent claims 17 and 28, respectively. A basis for how Keller and Suzuki et al. are deficient vis-à-vis claims 17 and 28 has been discussed above. The Office Action does not rely upon Heinonen to compensate for these deficiencies. Hence, the noted features of claims 17 and 28 also provide distinctions over Heinonen.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 17 and 28 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 17 and 28. Claims 19 and 30 ultimately depend from claims 17 and 28, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of foregoing discussion, the rejection of claims 19 and 30 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

#### **CLAIMS 21, 22, 32 AND 33**

Claims 21, 22, 32, and 33 are rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Suzuki and further in view of Bryon Nevis et al. (US 6,581,159).

Claims 21, 22, 32, and 33 depend from independent claims 17 and 28, respectively. A basis for how Keller and Suzuki et al. are deficient vis-à-vis claims 17 and 28 has been discussed above. The Office Action does not rely upon Bryon Nevis to compensate for these deficiencies. Hence, the noted features of claims 17 and 28 also provide distinctions over Bryon Nevis.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of claims 17 and 28 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claims 17 and 28. Claims 21, 22, 32, and 33 ultimately depend from claims 17 and 28, respectively, and so at least similarly distinguish over the asserted combination of references.

In view of foregoing discussion, the rejection of claims 21, 22, 32, and 33 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

### **CLAIM 26**

Claim 26 is rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Suzuki et al., and further in view of Mark Biondi (US 6,622,246) and further in view of Brent Gregory et al. (US 5,748,488).

Claim 26 depends from independent claim 17. A basis for how Keller and Suzuki et al. are deficient vis-à-vis claim 17 has been discussed above. The Office Action does not rely upon Mark Biondi and Brent Gregory to compensate for these deficiencies. Hence, the noted features of claim 17 also provide distinctions over Mark Biondi and Brent Gregory.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinctions of claim 17 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis claim 17. Claim 26 ultimately depends from claim 17, and so at least similarly distinguishes over the asserted combination of references.

In view of foregoing discussion, the rejection of claim 26 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

### **Conclusion**

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below.

**PATENT**

Fujitsu Ref. No.: 01-51400  
App. Ser. No.: 10/822,689

Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 50-4610.

Respectfully submitted,

Dated: February 24, 2009

By /Scott Elchert/

Scott A. Elchert  
Registration No.: 55,149  
Phone: 202-285-4177

Fujitsu Patent Center  
FUJITSU MGMT SERVICES OF AMERICA, INC.  
PTO Customer No.: 79326